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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 KFD ENTERPRISES, INC.,

No. C-08-4571 MMC

12 Plaintiff,

13 v.

14 CITY OF EUREKA,

15 Defendant.

**ORDER ADVANCING HEARING;  
GRANTING IN PART AND DENYING IN  
PART CITY OF EUREKA'S MOTION TO  
EXTEND DEADLINE FOR NAMING  
KENNETH DAER AS INDIVIDUAL  
DEFENDANT**

16 \_\_\_\_\_ /  
17 AND RELATED COUNTER AND CROSS  
18 CLAIMS  
19 \_\_\_\_\_ /

20 Before the Court is Defendant and Third Party Plaintiff City of Eureka's ["City"]  
21 Motion for Leave to Extend Deadline for Naming Kenneth Daer as an Individual Defendant,  
22 filed February 23, 2010 and noticed for hearing on April 2, 2010, by which motion the City  
23 seeks an extension from March 12, 2010 to July or August 2010, in order to depose said  
24 defendant and amend, if appropriate, to add him in his individual capacity to the City's third-  
25 party complaint. As of March 26, 2010, no opposition had been filed.<sup>1</sup>

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28 <sup>1</sup>In a Joint Case Management Statement filed March 19, 2010, counsel for Daer  
explained that he had understood the City's motion to have been resolved by the Court's  
February 26, 2010 order declining to shorten time for the hearing thereon and granting a  
brief interim extension to April 5, 2010.

1       On March 26, 2010, the above-titled action came before the Court for a regularly  
2 scheduled Case Management Conference, at which counsel for all parties to the action,  
3 including counsel for both the City and Daer, appeared.

4       Having discussed the above-referenced motion with counsel appearing at the Case  
5 Management Conference, the Court ADVANCED the hearing on said motion to March 26,  
6 2010, and ruled as follows:

7       To the extent the motion seeks an extension, the motion is hereby GRANTED, and  
8 the deadline to name Daer as an individual defendant is hereby EXTENDED to April 30,  
9 2010; to the extent the motion seeks an extension of greater length, the motion is hereby  
10 DENIED without prejudice.

11       **IT IS SO ORDERED.**

12 Dated: March 26, 2010

  
MAXINE M. CHESNEY  
United States District Judge

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